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July 23, 2014

Via e-mail to: rdrake@washoeschools.net
and U.S. Mail

Randy Drake
Chief General Counsel
Washoe County School District
Office of the General Counsel
425 E. Ninth Street
Reno, Nevada 89512

Re: Pedro Martinez

Dear Randy:

I have been retained by Pedro Martinez to represent him in seeking equitable relief and damages for the wrongful termination of his employment as Superintendent of the Washoe County School District and related claims. The District and its Trustees have violated both Nevada law and the employment agreement with Mr. Martinez. The purpose of this letter is to put you, the District and the Board of Trustees on notice of his claims so that you will take all actions required by you under the law of this state, and your professional responsibility, to protect and preserve all discoverable evidence relating to this matter. As you know, even when an action has not yet been commenced, a party with notice of a potential legal claim has a duty to protect and preserve all evidence which it knows or reasonably should know may be relevant to the potential action. *See Fire Insurance Exchange v Zenith Radio Corp.*, 103 Nev. 648, 747 P.2d 911 (1987); *Kimberly Bass-David v Davis*, 122 Nev. 442, 134 P.3d 103 (2006).

In this particular context, the District is required to issue a "litigation hold" applicable to all persons and departments which might possess or have any custody or control over discoverable material, including you, your legal department, and all Trustees involved in Mr. Martinez' termination. Accordingly, on behalf of Mr. Martinez, this letter constitutes a demand that you immediately issue such a litigation hold to all Trustees and all persons employed by the District who might have discoverable material and inform them of their legal and ethical responsibilities in this regard. This "litigation hold" will include any and all emails sent to or received by all trustees or other persons involved in the matter, whether over the District server

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or personally, all telephone call records, including records of all calls sent or received, all text messages, all voice messages, all voice mails, all notes relating to this matter whether made in a meeting or not, all agendas, proposed agendas and draft agendas, all audio recordings, all reports or other documents of "investigations" of Mr. Martinez, all correspondence relating to this matter, and any and all other records of any kind or nature, electronic or otherwise, that relate to the termination of Mr. Martinez.

Please confirm in writing to me when such a litigation hold has been issued. Once the action has been commenced, I will make a formal demand on behalf of Mr. Martinez for all this information. I will also ask in depositions of the Trustees and others whether and when they received a "litigation hold" directive and what efforts were made to protect and preserve all information relating to this matter.

If you have any questions, I may be reached at 785-5407 or at wpeterson@swlaw.com.

Very truly yours,

Snell & Wilmer L.L.P.



William E. Peterson

WEP:hw1